

LUNENBURG PLANNING BOARD

TOWN OF LUNENBURG

Emerick R. Bakaysa, Chair
Joanna L. Bilotta, Vice-Chair
Thomas W. Bodkin, Jr., Clk.
Robert J. Saiia, Mbr.
Nathan J. Lockwood, Mbr.
Marion M. Benson, Planning Director



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Minutes
Public Hearing
Asian Imperial, 332 Massachusetts Avenue
June 13, 2011

Meeting Posted: Yes

Time: 6:30 PM

Place: Town Hall, 17 Main Street, Lunenburg, MA 01462

Present: Emerick R. Bakaysa, Chair, Joanna L. Bilotta, Vice Chair, Thomas W. Bodkin, Jr., Nathan J. Lockwood, Marion M. Benson, Planning Director

Absent: Robert J. Saiia

Motion, Ms. Bilotta, to open the Public Hearing, Second, Mr. Lockwood, Motion passed. Chair read legal notice advertised in the Sentinel & Enterprise, May 26 and June 2, 2011. The Public Hearing was to hear and discuss an application for a Development Plan Review under Section 8.4. of the Protective Bylaw of the Town of Lunenburg for construction of a restaurant and associated parking for 332 Massachusetts Avenue.

Steven Marsden, P.E., Marsden Engineering Inc. (Designing Engineer) represented the Applicant- Min Xu, d/b/a Asian Imperial. The Applicant's business is currently located in a plaza at 324 Electric Avenue/Route 13. They wish to relocate in order to expand the business due to the popularity of the sushi bar, and to have more control over the site. Little change in traffic is expected as this is relocation of an existing use on the same street. The site has been used in the past for various businesses, but is currently vacant. The current uncontrolled access onto Massachusetts Avenue/Route 2A will become an egress only in an easterly direction. Egress onto Massachusetts Avenue can also be utilized as a traffic thru-way in the event of an accident closing down the intersection. Restaurant will contain booths, tables, and sushi bar seating. Deliveries will be by 6-wheel trucks at the rear of the building. Due to previous unauthorized work done by J. Glenn Auto (prior use), existing drainage on site is all overland flowing to a catch basin along Electric Avenue. The drainage pipe put in place during the construction of J. Glenn Auto from the wetlands to a 36 inch culvert on Route 13 is damaged and will be completely replaced. The proposed drainage system will direct all flow to a drainage basin located in the southeastern section of the site. Overflow from the basin will be collected in a catch basin and routed to the existing drainage system on Electric Avenue and Massachusetts Avenue. Landscaping will consist of a mix of lawn, shrubs, ground cover and trees. Landscaping within the sight triangle from Electric Avenue to Massachusetts Avenue will be limited to a maximum of 18 inches in height. Shrubs will be planted along the 30 foot buffer zone. A row of arborvitae will be placed as screening for the adjacent Electric Avenue abutter. The only signage currently proposed is a building mounted sign. If the Applicant desires any free-standing signs in the future, they will return to the Planning Board. There will be 33 parking spaces. (Finding #12 noted 32 - will be corrected.) Applicant applied to Sewer Commission and received permit for extension of the use. Applicant has applied to Mass Department of Transportation (DOT) for change in curb cut. The Applicant goes before the Conservation Commission on June 15th for wetland issues as there is an existing Enforcement Order on J. Glenn Auto, which needs to be legally resolved. Applicant must also go before the Zoning Board of Appeals for a special permit as this is a change to a pre-existing non-conforming lot.

Ms. Benson read June 10th letter from Reviewing Engineer, David Ross, David E. Ross Associates, Inc. *"I have completed my review of the Asian Imperial Garden site plan as revised June 9, 2011. This plan fully addresses my comments and recommendations in my review letter dated June 9, 2011. This plan denotes a proposed 4,160 Sq. Ft. restaurant, parking area and drives in conformance with the Protective Bylaw of the Town of Lunenburg and general engineering practices."*

Mr. Lockwood and Ms. Bilotta were concerned with traffic exiting onto Massachusetts Avenue. Mr. Marsden noted that Fire Chief Scott Glenn did not want the exit gated as he thought it might not get plowed. The Fire Chief will also use this exit for an emergency entrance.

Mr. Bodkin Jr. felt with the current building being demolished and the new one being more towards the rear of the site, more sightline would be available to traffic coming down Route 13.

Mr. Bakaysa had concern as to the building façade fitting in with the New England colonial concept. Mr. Marsden said he could speak to the architect. Applicant wanted high windows on the building entrance side as this is where customers will be seated. Mr. Bakaysa inquired as to why metal roof over asphalt shingle. Mr. Marsden responded as to its longevity and ease of snow removal to preclude danger to parked cars and patrons.

Mr. Lockwood inquired as to the possibility of a merging lane onto Massachusetts Avenue. Mr. Marsden will be doing a site walk with MA DOT and will make request. A "No Left Turn" sign will be posted at the Massachusetts Avenue exit.

There is no storage area on site for snow. Snow will be plowed and removed from the site. This will be put in the Findings and Directives.

Mr. Bakaysa read Findings into record.

1. The Lunenburg Planning Board finds that an application for a development plan review was submitted on June 1, 2011 for 332 Massachusetts Avenue, Map 074, Parcel 0008.
2. The Lunenburg Planning Board finds that the owner of the property is 332 Massachusetts Avenue Realty Trust, 162 Hamilton Street, Leominster, MA 01453.
3. The Lunenburg Planning Board finds that the applicant is Min Xu, d/b/a Asian Imperial, 21 South Sydney Street, Apt. 3, Dorchester, MA 02125.
4. The Lunenburg Planning Board finds the Development Plan Review is for a restaurant.
5. The Lunenburg Planning Board finds that the subject land, Map 074, Parcel 0008 is zoned Commercial.
6. The Lunenburg Planning Board finds this is a permitted use under Protective Bylaw of the Town of Lunenburg, Section 4.6. Commercial District Uses, Subsection 4.6.2.1.a), "any use permitted, without requiring a Special Permit, within a Retail Commercial District."
7. The Lunenburg Planning Board finds this is a permitted use under Protective Bylaw of the Town of Lunenburg, Section 4.5. Retail Commercial District, Subsection 4.5.2.1.h), "Restaurant, refreshment stand or other place for serving food or beverages within a structure, provided that any drive-in or window service shall require a Special Permit as provided by Section 4.5.3."
8. The Lunenburg Planning Board finds there will be no drive-in or window service.
9. The Lunenburg Planning Board finds the last use of the site was an auto sales business. The former site of J. Glenn Auto underwent unauthorized construction since the original site plan. Design is based on original site conditions as a starting point for current proposal.
10. The Lunenburg Planning Board finds that the submittal, Site Development Plan 2253, was prepared by Marsden Engineering, Incorporated, P.O. Box 509, Lunenburg, MA 01462.

11. The Lunenburg Planning Board finds site surveyor was Ducharme & Dillis Civil Design Group, Inc., Bolton, MA.
12. The Lunenburg Planning Board finds twenty-five (25) parking spaces are required. Thirty-three (33) will be provided; two (2) of which are handicapped.
13. The Lunenburg Planning Board finds that the maximum seating capacity is 116.
14. The Lunenburg Planning Board finds the Applicant has not yet determined requested seating capacity.
15. The Lunenburg Planning Board finds a sprinkler system is required if occupancy exceeds 100 seats.
16. The Lunenburg Planning Board finds deliveries will be at the rear of the building.
17. The Lunenburg Planning Board finds there will be an on-site dumpster contained in a screened enclosure.
18. The Lunenburg Planning Board finds the Plan shows egress provided onto Massachusetts Avenue in a right-turn only merge lane, north-easterly direction.
19. The Lunenburg Planning Board finds the Plan shows ingress and egress provided from Electric Avenue with appropriate, approved signage and roadway markings.
20. The Lunenburg Planning Board finds the Applicant has applied to MA Department of Transportation (DOT) for curb cuts.
21. The Lunenburg Planning Board finds peak traffic flow expected to be generated from 11 AM to 1 PM.
22. The Lunenburg Planning Board finds no anticipated change in level of service for Rt. 13 or Rt. 2A as this is an existing use on Rt. 13 being relocated to this site.
23. The Lunenburg Planning Board finds no building signage design was submitted.
24. The Lunenburg Planning Board finds that the site contains several underground utilities with unknown locations.
25. The Planning Board finds the above utilities will have to be either relocated or discontinued.
26. The Lunenburg Planning Board finds that the submittal was reviewed by the following who were also involved in technical workshop meetings with the Applicant, Designing Engineer and Planning Director.
 - Building Official: Approved structure placement plan. Demolition permit is required.
 - Conservation Commission: Appointment will be held on June 15, 2011 with the Conservation Commission to address the wet areas and replication area that are currently under an outstanding enforcement order, and further direct through an Order of Condition any necessary work to be done.
 - Fire Department: Satisfied with the ingress and egress design and interior roadway design. Current hydrant placement and domestic line is acceptable.
 - Police Department: The design for the ingress and egress on Electric Avenue and egress onto Massachusetts Avenue with a right-turn-only is satisfactory.
 - Lunenburg Water District: The current domestic water line and current hydrant placement is satisfactory.

- Department of Public Works: No issues.
- Sewer Commission: In review with the Designing Engineer, the Commission finds the plan satisfactory including the grease trap design. A Sewer Clearance Plan will be necessary.

27. The Lunenburg Planning Board finds included in the site plan is a landscaping plan consisting of lawn, shrubs, ground cover and trees appropriately sized.
28. The Lunenburg Planning Board finds a Storm Water Pollution Prevention Plan (SWPPP) was provided. Stormwater is to be routed through a system of Stormtech chambers and grit separators. The Site Plan shows a general layout that may need to be adjusted based on the actual locations of the existing utilities on the site.
29. The Lunenburg Planning Board finds the Applicant has to submit to the Zoning Board of Appeals (ZBA) for a Special Permit for a "tear down" and rebuild.
30. The Lunenburg Planning Board finds the Reviewing Engineer for the Planning Board was David E. Ross Associates, Inc., P.O. Box 368, 111 Fitchburg Road, Ayer, MA 01432. The Reviewing Engineer's report was reviewed with the Planning Director and Designing Engineer and satisfactorily addressed all elements and all questions were answered appropriately and satisfactorily.
31. The Lunenburg Planning Board finds a Public Hearing was held and closed on June 13, 2011.

Mr. Bodkin Jr. questioned #8. Would Applicant still have ability to do take-out? Yes. Take-out from interior.

Ms. Benson noted Findings would be amended to note there is no appropriate amount of land to store snow. Directives will be amended to note snow will be taken off site. (Snow removal is monitored by the Lunenburg Planning Board. If complaints are received, the Planning Director will notify the Zoning Enforcement Officer.)

Mr. Bakaysa read Directives into record.

1. The Applicant shall comply with Site Plan 2253 as amended and including Plan 2153 prepared by Marsden Engineering, Incorporated, P.O. Box 509, Lunenburg, MA.
2. The Applicant shall report to the Planning Board the response from the application for curb cuts from Mass Department of Transportation (DOT). If designed curb cuts are not approved, the Designing Engineer shall redesign and submit another application to the above authority for approval. No construction will start without Mass DOT approval.
3. The Applicant, through the Designing Engineer, shall notify the Planning Board, Fire Department, and Water District if the structure will contain a sprinkler system. If the Applicant proposes occupancy seating under one hundred (100), a sprinkler system is not required. If occupancy seating is over one hundred (100) (capacity is 116 seats), a sprinkler design shall be submitted to the Fire Department and copied to the Planning Board. The Applicant shall be responsible for any cost for a third party fire review if necessary.
4. The Applicant, through the Designing Engineer, shall present to the Conservation Commission (at its June 15th meeting). Any necessary site changes directed by the Conservation Commission shall be submitted to the Planning Board to ascertain and correct any site changes to accommodate the fulfilling of any Order of Conditions directed by the Commission.

5. The Applicant, through the Designing Engineer, shall present a building sign design and any other proposed signage as directed in Section 6.5. of the Lunenburg Zoning Bylaw.
6. The Applicant, through the Designing Engineer, shall submit to the Sewer Department a Clearance Plan to be reviewed by the City of Fitchburg as required by the Inter-municipal Agreement (IMA). If the Sewer Commission, upon receipt and review, does not have any issue, the project may proceed. If issues are noted, resolution must take place before construction. Notification must be made to the Planning and Building Offices on the status of the review of the Clearance Plan.
7. The Applicant, through the Designing Engineer, shall submit to the Zoning Board of Appeals (ZBA) for a Special Permit for a "tear down and rebuild".
8. The Applicant, through the Designing Engineer, shall confer with the Police Department and ascertain if Police Details will be necessary during construction. The Applicant will be responsible for cost of said Details.
9. The Applicant will be responsible for the Designing and Reviewing Engineers' presence on site to work with the construction company regarding regular inspections and any site problems that includes field changes (particularly due to the unknowns on this site from previous unauthorized work). All issues will be presented to the Planning Office.
10. The Applicant shall fill out the Weekly Progress Notification Form (attached) on a weekly basis and submit each Monday to the Planning office. Form may be hand-carried to the Planning Office, sent via facsimile to 978-582-4353, or electronically to mbenson@lunenburgonline.com.
11. The Applicant shall adhere to the Lunenburg Planning Board Monitoring and Construction Procedures (attached). Reports will be made to the Lunenburg Planning Office as noted.
12. Note: These Directives are subject to periodic review by the permit granting authority (Planning Board), or zoning enforcement officer to ensure compliance with the enumerated conditions. Non-compliance to these conditions may result in revocation of this Approval.
13. The Planning Board, Planning Director with the Building/Zoning Officer and/or reviewing engineer will inspect the said site at any time during and after completion of construction to insure all specifications as noted have been adhered to.

Summary Report

1. *Will not be injurious or dangerous to the public health or unduly hazardous because of traffic congestion, danger of fire or explosion or other reasons.*
2. *Will not have a material adverse effect on the value of land and buildings in the neighborhood or on the amenities of the neighborhood.*
3. *Will be operated with reasonable regard for order and sightlines, if an open use.*
4. *Will not produce noise, vibration, smoke, dust, odor, heat or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property.*

Mr. Bakaysa asked for proponents – none.

Mr. Bakaysa asked for opponents.

Richard Martel, 9 Electric Avenue- Voiced strong concerns with ingress/egress onto Electric Avenue creating traffic problems. Accidents will increase. The culvert is State property. Has the Applicant received State approval to tie into the culvert? The 36 inch culvert under Route 13 can't handle the water. He was also concerned with headlights shining onto his property and vehicle exhaust fumes from idling vehicles in the restaurant's parking lot.

Mr. Bodkin Jr. noted that as part of the process, the current structure will be removed, and the land re-graded. This process would improve the existing drainage. Mr. Marsden noted that the existing drainage structure would be raised with a catch basin and the culvert rebuilt. The State requires filtering for a two-year storm (small storm). A bypass will be designed for a large storm. He will have to do the work as part of the Enforcement Order put in place by the Conservation Commission during J. Glenn Auto in order to correct the previous unauthorized work.

Ms. Bilotta inquired as to fencing to reduce impact of headlights. Mr. Marsden noted a retaining wall will be put in place ranging from two to four feet in height. A six foot slatted chain link fence will be placed on top of the retaining wall.

Ms. Benson noted that both the Reviewing Engineer and Designing Engineer will be on site during the construction process.

"No Parking – Fire Lane" signs will be in place along the front of the restaurant per Fire Chief's requirement (will be put in Directives). This should help to minimize the number of idling vehicles as vehicles will have to park in a parking space in order to go in and get carry-out.

"Stop at White Line During Red Light Do Not Block" signage will be erected coming down Electric Avenue.

Motion, Ms. Bilotta, to approve development plan review as proposed with noted amendments to Findings and Directives, Second, Mr. Bodkin Jr., roll call vote, Mr. Lockwood, aye; Mr. Bodkin Jr., aye; Ms. Bilotta, aye; Mr. Bakaysa, aye.

Ms. Bilotta, Motion to come out of Public Hearing, Second, Mr. Bodkin Jr., all aye. Public Hearing closed at 8:00 PM.

Audio and visual recordings on file at Planning Office.